

1                                    AMENDMENT TO SENATE BILL 709

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 709 by replacing  
3 the title with the following:

4            "AN ACT concerning business entities."; and

5 by replacing everything after the enacting clause with the  
6 following:

7            "Section 5. The Assumed Business Name Act is amended by  
8 changing Sections 2, 3, and 3a as follows:

9            (805 ILCS 405/2) (from Ch. 96, par. 5)

10           Sec. 2. Validity; expiration. A certificate filed  
11 pursuant to Section 1 is valid for a period of 5 years from  
12 the date of its filing with the County Clerk. The County  
13 Clerk of the county in which the certificate has been filed  
14 shall notify the filer or filers of a certificate of its  
15 upcoming expiration no more than 120 days and no less than 60  
16 days before the expiration date. The notice shall be given by  
17 first class mail addressed to one of the places of business  
18 set forth in the certificate. A person or persons transacting  
19 business after a certificate has expired is subject to the  
20 provisions and penalties set forth in Sections 5 and 6 as if  
21 no certificate had ever been filed by the person or persons.

1 The procedure for the filing of a new certificate shall be  
 2 identical to that set forth in Section 1 for the filing of a  
 3 certificate. ~~Persons-conducting-such-business-or-any-business~~  
 4 ~~under-an-assumed-name-who--have--prior--to--August--167--1963~~  
 5 ~~ehanged--their--names--or--whose--names--are--additions--to-a~~  
 6 ~~business-organization-conducting-business--under--an--assumed~~  
 7 ~~name7--for--which--a--certificate--has-previously-been-filed7~~  
 8 ~~shall-file-another-certificate--setting--out--the--change--in~~  
 9 ~~their--names--or--that--their-names-are-additions-to-a-business~~  
 10 ~~already-in-operation-and-every-address-where-such-business-is~~  
 11 ~~conducted-or-transacted-in-the-county-within--30--days--after~~  
 12 ~~August-167-1963.~~

13 (Source: P.A. 76-893.)

14 (805 ILCS 405/3) (from Ch. 96, par. 6)

15 Sec. 3. The several County Clerks of this State shall  
 16 keep an alphabetical index of all persons filing certificates  
 17 pursuant to Sections 1 and 2, and for the indexing and filing  
 18 of such certificate shall receive a fee of \$25 ~~\$5.00~~. A copy  
 19 of such certificate and receipt for proof of publication,  
 20 duly certified to by the County Clerk in whose office the  
 21 certificate is filed, shall be presumptive evidence in all  
 22 courts of law in this State of the facts therein contained.

23 (Source: P.A. 85-186.)

24 (805 ILCS 405/3a) (from Ch. 96, par. 6a)

25 Sec. 3a. Any person who has executed and filed the  
 26 certificate required by Section 1 or 2 of this Act and who  
 27 wishes to withdraw his name from the business organization  
 28 shall have the certificate cancelled in whole or in part by  
 29 filing in the office of the County Clerk where the  
 30 certificate is filed, a supplementary certificate under oath,  
 31 showing that such person or persons have ceased doing  
 32 business under the assumed name, or that the person or

1 persons executing the supplementary certificate have no  
2 further connection with or financial interest in the business  
3 carried on under such assumed name; whereupon the County  
4 Clerk shall note opposite the trade name theretofore  
5 registered, the word "cancelled" and the date of  
6 cancellation, or, in the case of withdrawal only of one or  
7 more but less than all of the registrants, the clerk shall  
8 note the word "Withdrawn" after the name of each party filing  
9 the supplementary certificate indicating the withdrawal,  
10 together with the date of such withdrawal. When such  
11 withdrawal effectuates any change in or transfer of the  
12 ownership of 25% or more of the total ownership interest in  
13 any such business organization doing business under an  
14 assumed name, then notice of the filing of such certificate  
15 shall be published.

16 For filing a certificate noting the cancellation or  
17 withdrawal of one or more names, the County Clerk shall  
18 receive a fee of \$10 ~~\$1.50~~.

19 Where a person files a certificate pursuant to Section 1  
20 or 2 setting out a change of his name, or that his name is an  
21 addition to an organization doing business under an assumed  
22 name which has previously been registered, the County Clerk  
23 shall note on the index of such person's name the word  
24 "changed" or "addition" as the case may be.

25 (Source: Laws 1963, p. 2997.)".